

AN ORDINANCE

04- O-1259

BY COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA SO AS TO DELETE CERTAIN OBSOLETE SECTIONS OF THE CODE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known at the Alcohol Technical Advisory Group (ATAG), to undertake the review of the alcohol licensing code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

WHEREAS, the Code currently contains, in sections 10-106 and 10-126.1, provisions that are obsolete and should be deleted; and

WHEREAS, ATAG recommends that those sections be deleted.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Chapter 10, Article II, Section 10-106 be amended to delete the last two sentences of the subsection, and shall read as follows:

Sec. 10-106. Annual renewal; forms.

All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate. All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee. The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that the location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.

Section 2.

That Chapter 10, Article II., Section 10-126.1 which currently reads as follows, be deleted in its entirety:

Sec. 10-126.1. [Temporary permit for sale of alcoholic beverages.]

- (a) Upon the filing of an application and payment of a filing fee of \$100.00 and a permit fee of \$500.00 per day, up to a maximum of \$5,000.00, and after investigation by the department of police and review by the license review board, the mayor may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption on the premises only during the period June 15, 1996 through and including August 31, 1996 (the "olympic period") under the following conditions:
- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.
 - (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the areas specifically described in the application and only during the olympic period.
 - (3) Food must be served by a person or entity (who may or not be the applicant) during any period of time that alcoholic beverages are served.
 - (4) The application for such permit must have been filed with the department of police at least 21 days prior to the date of the special event.
 - (5) Except as otherwise provided by state law, licensees of special events which have been permitted pursuant to this section shall not engage in the sale of alcoholic beverages or in the operation of a bottle house, as defined by city code section 10-1, between the hours of 2:55 a.m. Sunday and 12:00 midnight Sunday and between the hours of 4:00 a.m. and 9:00 a.m. on the other days of the week. Alcoholic beverages may be sold on Sundays pursuant to this section between the hours of 12:30 p.m. and 12:00 a.m. in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons and in eating establishments. As used in this subsection, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverages sales from the sale of prepared meals or food in accordance with O.C.G.A. § 3-3-7.
 - (6) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other city ordinances governing such sales, except those provisions of the code of ordinances in express conflict with this code section.

- (7) Each special event permitted pursuant to this section must comply with the following requirements:
- a. The area in which the special event is held must be fenced;
 - b. The applicant must submit a site plan for the special event;
 - c. No more than 15 persons per square foot may be allowed into the special event area at any one time;
 - d. The applicant must provide a traffic plan and a security plan, and said plans must be approved by the police department; and
 - e. The applicant must submit a plan for removal of trash and provision of toilet facilities, and said plan must be approved by the department of public works.
- (b) A special event permit issued pursuant to this code section may be denied, suspended or revoked by the police chief for due cause for a violation of this chapter; for failure to comply with the terms of the permit; or when such violation results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare, or safety of the public.
- (c) For the olympic period defined in paragraph (a), this code section shall supersede section 10-126 of the Code of Ordinances of the City of Atlanta, and no temporary special event alcohol permits shall be issued for that period except in accordance with this section 10-126.1.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby repealed.